

**GOVERNOR'S PROGRAM BILL
2023**

MEMORANDUM

An act to amend the Judiciary Law in relation to making technical changes to the appoint of an associate judge vacancy of the court of appeals.

Purpose:

This legislation would amend the Judiciary Law to remove unnecessary delays and streamline the judicial appointment process when the Governor is required to fill a vacancy for Chief Judge and then subsequently fill a vacancy for the sitting Associate Judge who was nominated for the role of Chief Judge.

Summary of Provisions:

Adds a new subdivision 2-a to Judiciary Law § 68 to provide that where a vacancy for Associate Judge of the Court of Appeals is created by the nomination of an Associate Judge to the position of Chief Judge, the Governor may make an appointment for the vacancy from among the Commission on Judicial Nomination's recommendations for the preceding Chief Judge vacancy.

Existing Law:

The current Judiciary Law § 68 provides for procedures where vacancies occur in the offices of the Chief Judge and Associate Judge of the Court of Appeals whether by expiration of term or other than by expiration of term; and when the Senate is in session or not in session.

Justification:

The current Judiciary Law § 68 does not take into consideration a nomination for Chief Judge that causes an immediate additional vacancy on the Court of Appeals. This change would allow the Governor to nominate an Associate Judge from among the Commission of Judicial Nomination's recommendations for Chief Judge, where the appointment of a sitting Associate Judge creates such a vacancy. Amending this law will prevent the Court of Appeals from unnecessarily operating for an extended period of time without a full bench, which results in split decisions and delays in the important work of the court. The Governor would retain the ability to notify the Commission of a vacancy to generate a new list if the Governor does not wish to fill the vacancy from the recommendations for Chief Judge. Permitting the Governor to make an additional selection from the already approved list of qualified, recommended candidates for Chief Judge expedites the lengthy process currently required and promotes judicial efficiency.

PROGRAM BILL #2

Legislative History:

This is a new bill.

Budget Implications:

None.

Effective Date:

The legislation would be effective immediately.